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CONFIDENTIAL

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PRIME MINISTER

*Minister*

*to see*

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MEMORANDUM FOR MR. ROBERTSON:

Possible Publication of the Cabinet Directive  
on Security

Since we spoke yesterday, I have again sought the views of Commissioner McClellan, Tom MacDonald and Jim McCardle concerning the possible tabling of the Cabinet Directive on Security. McCardle in turn consulted Marcel Cadieux and Norman Robertson. Without exception, these people strongly reaffirmed the view that publication of the Directive would gain the government no advantage whatever, and would have a number of very serious long-term effects. They are agreed that, having made the detailed statements of policy and procedure of October 25th, the government is in the best possible position to maintain a workable and sound security system based on the understanding and support of the vast majority of interested Canadians.

*It is not  
"gain to the gov't"  
but gain to the  
public interest  
that is important*

*But - on balance  
I agree with  
the recommendation  
of the memorandum*

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The essential point is this: to maintain any sort of security system there will always be a considerable number of things which cannot be fully revealed to the public - for example, the secret sources, both human and technical, from which the R.C.M. Police get their information; the means by which they go about it; the nature of the information which they obtain on individuals and organizations; the extent of success which communists and their organizations have in penetrating our defences. Therefore, the central question is, where does the government draw the line? Undoubtedly the statements of October 25th last opened the way for demands for further detailed information such as those which Mr. Orlikow recently made, most particularly his recent

*151 (ndie)  
161 (1)(c)*

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Motion No. 123. The tabling of the Directive itself would make it extremely difficult to refuse further demands which, whether fulfilled or not, could have most serious results for the government, the public service and, most important, the public itself.

15C (1) (a)  
(b) (1) (a)

Consider, for example, the result of publishing paragraph 3 of the Directive, which defines in general terms the kinds of organizations in which membership or support constitute a bar to security clearance. Surely the immediate demand would be for a public listing of these organizations, followed by demands for public proof that they are in fact as the government describes them. The experience which the United States has had with the "Attorney-General's list" is not, we feel, an experience that we can afford to repeat in Canada, if it is our purpose to protect the citizens of this country.

The criteria set out in paragraphs 3 and 6 of the Directive, relating to loyalty and reliability, raise a number of questions of definition. They are questions which have to be resolved through the informed judgment of officials and Ministers responsible for ensuring the protection of government secrets and government employees as part of their administrative duties. To subject these purely administrative matters to lengthy and largely uninformed public debate in detail cannot, we are convinced, serve either purpose. To take a further example: any person, with the highest or the most cynical motives, armed with the specific terms of the Directive, could initiate the public re-examination of any personal security case which had been dealt with under the Directive by the department concerned, provided he learned the name of the subject. Whatever the outcome, with all the attendant publicity for the subject and his family, it is unlikely that the informed judgment arrived at initially by the Minister responsible would be affected one way or the other as a result of public debate. The resultant effect on the individual's reputation and career, however, is likely to be lasting and deleterious.

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A further complication would arise in the publication of paragraph 19 of the Directive, which requires departments and agencies to report to the Security Panel periodically the numbers of persons dismissed, permitted to resign, transferred, denied access or denied employment on security grounds. Without the information pertinent to each case, which it is normally impossible to make public, these figures are subject to serious misinterpretation. Many demands have been made for such figures in the past, and have invariably been refused for this reason. However, having publicized the fact that they are required, it would be difficult to resist demands to publish them. In many cases, the publication of the figures would lead inevitably to the public identification of the persons involved, whether they wished it or not. Within the Directive itself (para. 8) the government has given the assurance that "information bearing on the security status of an employee will be treated as confidential".

[ On the basis of security alone, Commissioner McClellan is convinced that the publication of the Directive would give communists and communist organizations a real advantage, not only in finding means of circumventing our security defences, but in bringing them into disrepute through a protracted campaign of argument and criticism. On the first point he says in a letter of June 11, "I suggest that to publicize the Directive would be akin to one football coach giving a copy of his plays to the opposing coach just before the game". He goes on to state

(S/D)(d)(ii)  
(b)(1)(c)

"We have found that since the statements in the House the incidence of criticism directed at the security screening programme as a whole and at the participation of the R.C.M.P. therein has decreased appreciably. We are inclined to believe that the statements served the purpose of explaining the need for security screening and, at the same time, informing the public of the mechanics involved. Having accomplished

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15(1)(d) (see)  
16(1)(c)

this the thought occurs that by making the cabinet directive public, the Government would be affording an opportunity to both well-meaning persons and those with ulterior motives to open and engage in an endless controversy on the details of the directive. In particular, we feel that in making the directive public the Government would be providing the Communist Party of Canada (C.P. of C.) and its front organizations and those organizations which are Communist infiltrated with ammunition to launch a protracted campaign to discredit security screening and to embarrass both the Government and the R.C.M.P. At the same time the C.P. of C. would have the opportunity of scrutinizing the basis of security screening to detect loopholes which might allow Communists and sympathizers to gain employment in the public service and access to classified information.

"In addition the publication of CD 35 will inevitably bring into focus paragraph 3 which outlines in effect those organizations which are looked upon with suspicion because of the types of persons named therein. It is likely that this will create a demand from certain segments of the public for the official listing of the organizations in Canada which render Canada insecure and this based on the claim that they should be known to all Canadians. On the one hand this may appear to be a laudable approach to the problem. However, this situation could conceivably lead to a discussion of whether the Communist Party should be legally banned as well as affiliated groups.

"From a security point of view we have always objected to this procedure, due to the fact that it would create problems which would arise from the change in the circumstances under which these organizations would continue to exist. We can foresee changes of names of organizations, intensified underground activity, a disruption of our sources, less supervision of subversive movements in their present form and a lessening of

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the effectiveness of the security service in general. Anything that can be done to prevent these things coming about will in my opinion be in the interests of the security of this country. If this situation comes about the security service will find it most difficult to provide the Government with a factual report on the security status of an individual, either employed by or seeking employment in the public service." ]

In summary, then, it is the firm consensus of opinion among the public servants most experienced and most directly concerned with security matters, that it would not be in the public interest to table Cabinet Directive No. 35. In our view it is the government, and no other body or individual, which has the heavy and undeniable responsibility of administering the security policies and procedures which have been agreed upon after years of study, and have been publicly announced to the extent that is consistent with the public interest. We are convinced that, to accede to Mr. Orlikow's motion and table the Cabinet Directive on Security would be an abrogation of that responsibility, and could have a serious detrimental effect on the peace, order and unity of this country.

19.11  
[ Finally, and with some distaste, I feel obliged to point out that there may be reason to question the purity of Mr. Orlikow's motives in bringing forward this motion. The R.C.M. Police have been reliably informed that Mr. Orlikow has recently been in correspondence with the President of the British Columbia Civil Liberties Association, who, together with another executive member of the Association, is strongly suspected of being a secret member of the Communist Party. While the actual nature of the correspondence is unknown, it is known that it had to do with a number of questions concerning security and the R.C.M. Police which Mr. Orlikow proposed to raise in the House of Commons. It is possible therefore

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that, knowingly or unknowingly, Mr. Orlikow is making these enquiries for purposes which have little to do with the edification or protection of the public.]

I have not included here the many arguments of precedent and administrative convenience that could be made against tabling the Directive, as I consider them to be of secondary importance at best. If the language of this note seems at times to be somewhat strong, it is because the conviction underlying is at least as strong.

I attach a copy of Cabinet Directive No. 35, together with the covering memorandum which was sent with it to all departments and agencies.

*Joe*

*D.F.W.*  
D.F.W.

June 12th, 1964.

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